

### **AMENDMENTS TO THE DRAWINGS**

Ten amended drawing figures are attached following page 14 of this paper. The amended drawing figures are numbered 3-11. The Applicant has corrected the hand-written numbering on the originally submitted drawings. The ten replacement sheets are being submitted as formal drawings. The Applicant points out that no new matter has been introduced by the amendments to Figures 3-11.

### **REMARKS / ARGUMENTS**

The present application includes pending claims 1-21, all of which have been rejected. The independent claims are 1, 7, 9, and 15. Claims 4-6 and 15 have been amended. The Applicant respectfully submits that the claims define patentable subject matter.

Claims 1-4 and 7-21 are rejected under 35 U.S.C. 102(e) as being anticipated by United States Patent No. 6,643,781 ("Merriam"). Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Merriam in view of United States Patent No. 5,748,084 ("Ishikoff"). The Applicant respectfully traverses these rejections at least based on the following remarks:

#### **I. Merriam Does Not Anticipate Claims 1-4 and 7-21**

##### **A. Independent Claims 1, 7, 9, and 15**

The Applicants first turn to the rejection of claims 1-4 and 7-21 under 35 U.S.C. 102(b) as being anticipated by Colvin. With regard to the anticipation rejections under 102(b), MPEP 2131 states that "[a] claim is anticipated only if **each and every element** as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." See Manual of Patent Examining Procedure (MPEP) at 2131 (internal citation omitted). Furthermore,

"[t]he identical invention must be shown in as complete detail as is contained in the ... claim." See *id.* (internal citation omitted).

With regard to the rejection of independent claim 1 under Merriam, the Applicant submits that Merriam does not disclose or suggest at least the limitation of "receiving validation information relating to the communication device, the **validation information entered via the communication device**," as recited by the Applicant in independent claim 1 (emphasis added).

The Office Action states the following:

As per claim 1, it is disclosed by Merriam of a method for theft prevention of communications devices used in a communication network. A communication device deployed at a location that is communicatively coupled to the communication network is registered. After registering the communication device, validation information is received wherein the validation information is entered via the communication device. It is then determined whether the communication device is authorized for use in the communication network based on the validation information entered via the communication device (col. 2, lines 21-31 and col. 6, lines 31-40 & 54-65).

See the Office Action at page 3. The Examiner is relying for support on col. 2, lines 21-31 and col. 6, lines 31-40 and 54-65 of Merriam. Referring to Figure 2 of Merriam, the Examiner has equated the "validation information" limitation from Applicant's claim 1 with the "authorization parameter" 220 of Merriam. The Applicant points out that Merriam, including col. 2, lines 21-31 and col. 6, lines 31-

40 and 54-65 of Merriam, does not disclose or suggest that the authorization parameter 220 is entered via the portable computing device 104. In fact, the invention of Merriam is based on the fact that the authorization parameter expires in a certain period of time, and then the only way to update the parameter, and hence to maintain operability, is for the computing device to interact with a host computer. See Merriam at col. 2, lines 28-30. In this regard, updates are received from the host and the authorization parameter is updated based on the update information received from the host. See *id.* Figure 4, steps 406-412. The authorization parameter 220 of Merriam is clearly not entered via the portable computing device 104.

Therefore, the Applicant maintains that Merriam does not disclose or suggest at least the limitation of "receiving validation information relating to the communication device, the validation information entered via the communication device, and the validation information associated with the location where the communication device was registered," as recited by the Applicant in independent claim 1.

Accordingly, independent claim 1 is not anticipated by Merriam and is allowable. Independent claims 7, 9, and 15 are similar in many respects to the method disclosed in independent claim 1. Therefore, the Applicant submits that independent claims 7, 9, and 15 are also allowable over the references cited in the Office Action at least for the reasons stated above with regard to claim 1.

**B. Rejection of Dependent Claims 2-4, 8, 10-14, and 16-21**

Based on at least the foregoing, the Applicant believes the rejection of independent claims 1, 7, 9, and 15 under 35 U.S.C. § 102(e) as being anticipated by Merriam has been overcome and request that the rejection be withdrawn. Additionally, claims 2-4, 8, 10-14, and 16-21 depend from independent claims 1, 7, 9, and 15, respectively, and are, consequently, also respectfully submitted to be allowable.

Applicant also reserves the right to argue additional reasons beyond those set forth above to support the allowability of claims 1-4 and 7-21.

**II. The Combination of Merriam and Ishikoff Does Not Render Claims 5 And 6 Unpatentable**

Based on at least the foregoing, the Applicant believes the rejection of independent claims 1, 7, 9, and 15 under 35 U.S.C. § 102(e) as being anticipated by Merriam has been overcome and request that the rejection be withdrawn. Additionally, since the additional cited reference (Ishikoff) does not overcome the deficiencies of Merriam, claims 5-6 depend from independent claim 1 and are, consequently, also respectfully submitted to be allowable.

The Applicant also reserves the right to argue additional reasons beyond those set forth above to support the allowability of claims 5-6.

**CONCLUSION**

Based on the foregoing, Applicant believes that all claims 1-21 are in condition for allowance. If the Examiner disagrees, Applicant respectfully requests a phone interview, and requests that the Examiner telephone the undersigned at 312-775-8176.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to the deposit account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

A Notice of Allowability is courteously solicited.

Respectfully submitted,

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